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9 Attorneys for Defendants and Cross-Defendants

10 BAY ENVIRONMENTAL MANAGEMENT INC.,  
11 CAESAR NUTI, DENNIS VARNI, MARIO AQUILINO,  
12 LOYD BONFANTE SR., JOSEPH DELLA ZOPPA,  
13 ESTATE OF RICHARD GRANZELLA SR., EDWARD  
14 MENOSSE, PASQUALE PARENTI, AND ESTATE OF  
15 PINA J. BARBIERI

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA  
TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL  
MANAGEMENT INC., CAESAR NUTI,  
DENNIS VARNI, MARIO AQUILINO,  
LOYD BONFANTE SR., JOSEPH  
DELLA ZOPPA, ESTATE OF RICHARD  
GRANZELLA SR., EDWARD  
MENOSSE, PASQUALE PARENTI, FSC  
SECURITIES CORPORATION, AND  
JERROLD N. WEINBERG

Defendants.

Case No. C03-5725 SC

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND MEDIATION  
DEADLINE**

FSC SECURITIES CORPORATION and  
JERROLD N. WEINBERG,  
  
Cross-Claimants,  
  
v.  
  
BAY ENVIRONMENTAL MANAGEMENT  
INC., ESTATE OF PINA J. BARBIERI,  
CAESAR NUTI, DENNIS VARNI,  
  
Cross-Defendants.

Pursuant to ADR Local Rule 6-5 and Civil Local Rule 7-11, Plaintiffs Jerry Vaughn and Theresa Travers ("Plaintiffs") and Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, Mario Aquilino, Joseph Della Zoppa, Pasquale Parenti, Loyd Bonfante, Sr., Edward Menosse, Estate of Richard Granzella, Sr., and Cross- Defendant Estate of Pina J. Barbieri<sup>1</sup> (collectively, the "Bay Environmental Defendants"), and FSC Securities Corporation and Jerrold N. Weinberg ("FSC Defendants) (collectively, the "Parties"), recite and stipulate, and respectfully request the Court to order, as follows:

WHEREAS, on July 29, 2009, the Court appointed Katherine S. Richey to serve as mediator;

WHEREAS, on August 11, 2009, the Parties and Ms. Richey held a pre-mediation conference via telephone;

WHEREAS, during the August 11, 2009, pre-mediation conference, the Parties and Ms. Richey agreed that mediation would take place in November;

WHEREAS, on September 2, 2009, the Plaintiffs filed a Second Amended Complaint ("SAC") which added Mario Aquilino, Joseph Della Zoppa, Pasquale Parenti, Loyd Bonfante, Sr., Edward Menosse and Estate of Richard Granzella, Sr. as defendants;

WHEREAS, at the status conference held on September 25, 2009, the Court ordered that the class be certified and that the status conference be continued to November 20, 2009;

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<sup>1</sup> Pina Barbieri, named initially as a Defendant herein, passed away several years ago. See Docket No. 36. Her estate is not a defendant in the Second Amended Complaint.

1 WHEREAS, the pre-September 2, 2009 Bay Environmental Defendants answered the  
2 SAC on September 23, 2009, and the newly added defendants answered the SAC on October 16,  
3 2009. FSC Defendants answered the SAC on September 21, 2009;

4 WHEREAS, the newly added defendants served their Rule 26(a) disclosures on  
5 November 9, 2009;

6 WHEREAS, Plaintiffs have concluded the following depositions: Jerrold N. Weinberg on  
7 October 20, 2009; Caesar Nuti on October 21, 2009; Dennis Varni on November 3, 2009; Eddie  
8 Menosse on November 10, 2009; Pasquale Parenti on November 12, 2009; and Joe Della Zoppa  
9 on November 12, 2009;

10 WHEREAS, Plaintiffs have subpoenaed Alan Klein, former employee of Richmond  
11 Sanitary Services and administrator of the Estates of Richard Granzella, Sr., and Pina J. Barbieri,  
12 for deposition on November 19, 2009;

13 WHEREAS, Plaintiffs have noticed the depositions of Loyd Bonfante, Sr., and Mario  
14 Aquilino, but they have been continued for personal reasons;

15 WHEREAS, during the course of the depositions, the attorneys for the Parties have  
16 discussed a number of potential private mediators;

17 WHEREAS, on October 28, 2009, counsel for all Parties advised Ms. Richey that all  
18 Parties have elected to pursue private mediation, and that they believe mediation in November  
19 2009, prior to the end of fact discovery, would be premature; and

20 WHEREAS, the Parties have agreed to private mediation with Michael Dickstein, Esq.  
21 on January 29, 2010.

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1 NOW, THEREFORE, the parties to this action, by and through their undersigned attorneys,  
2 hereby stipulate and respectfully request the Court to order as follows:

3 1. The mediation date will be continued until January 29, 2010 for private mediation  
4 with Michael Dickstein, Esq.

5 **IT IS SO STIPULATED.**

6  
7 DATED: November 18, 2009

MORGAN, LEWIS & BOCKIUS LLP

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9 By: /s/ D. Ward Kallstrom

10 D. Ward Kallstrom

Nicole A. Diller

11 Angel T. Lin

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15 BAY ENVIRONMENTAL  
16 MANAGEMENT INC., CAESAR NUTI,  
17 DENNIS VARNI, MARIO AQUILINO,  
18 LOYD BONFANTE SR., JOSEPH DELLA  
19 ZOPPA, ESTATE OF RICHARD  
GRANZELLA SR., EDWARD  
MENOSSE, PASQUALE PARENTI, AND  
ESTATE OF PINA J. BARBIERI

20 I, D. Ward Kallstrom, am the ECF User whose ID and password are being used to file this  
21 STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I  
22 hereby attest that each of the signatories identified below has concurred in this filing.

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1 DATED: November 18, 2009

WILSON ELSEER MOSKOWITZ  
EDELMAN & DICKER LLP

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4 By: /s/ Bernard Gehlhar  
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7  
8 Attorneys for Co-Defendants  
FSC SECURITIES CORPORATION and  
JERROLD N. WEINBERG  
9

10 DATED: November 18, 2009

LEWIS, FEINBERG, LEE, RENAKER &  
JACKSON, P.C.

11  
12  
13 By: /s/ Teresa Renaker  
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17 Attorneys for Plaintiffs  
JERRY VAUGHN and  
THERESA TRAVERS  
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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS  
HEREBY ORDERED THAT:**

The mediation date will be continued until January 29, 2010 for private mediation with  
Michael Dickstein, Esq.

**SO ORDERED.**

Dated: November 19, 2009

